TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1937

No. 594

CALMAR STEAMSHIP CORPORATION,
PETITIONER,

vs.

CHARLES W. TAYLOR

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT

PETITION FOR CERTIORARI FILED NOVEMBER 23, 1937.

CERTIORARI GRANTED JANUARY 3, 1938.

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[fol. 1]

IN UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Admiralty

No. 23 of 1936

CHARLES W. TAYLOR

v.

CALMAR STEAMSHIP CORPORATION

Freedman, Goldstein & Pechner.
Lewis, Wolff & Gourlay.

DOCKET ENTRIES

1936.

Mar. 24. Libel filed.
" " Citation exit—returnable April 3, 1936.
Apr. 6. Citation returned: "Tarde Venit" and filed.
" " Præcipe to issue alias Citation filed.
" " Alias Citation exit—returnable Apr. 10, 1936.
" 16. Alias Citation returned "on Apr. 6, 1936, served" and filed.
" 28. Præcipe to take libel pro confesso filed.
May 5. Appearance of Lewis, Wolff & Gourlay Esqs., for respondent filed.
" 11. Petition of Respondent to vacate order for default decree and Order of Court granting prayer of petition filed.
" 20. Answer filed.
" 25. Libellant's answer to interrogatories filed.
June 3. In open Court: Respondent moves to continue hearing fixed for June 15, 1936. Motion denied.
" 3. Deposition on behalf of Libellant filed.
" 13. Exceptions to refusal of Libellant to answer interrogatories filed.
" 15. Trial—witnesses sworn.
" 16. Trial resumed—witnesses sworn.
" 23. Trial resumed—witnesses sworn.
" 29. Testimony filed.
July 6. Testimony filed.

DOCKET ENTRIES—Continued

1936.

Oct. 2. Argued sur pleadings and proofs.
Nov. 5. Stenographer's transcript of hearing of Oct. 2, 1936 filed.
" 18. Depositions on behalf of respondent filed.
" " Argued sur pleadings and proofs.
Dec. 4. Opinion, Dickinson J. granting decree for libellant in $7000 with costs filed.

[fol. 2]

Dec. 8. Motion to enter final decree filed.
" 10. Libellant's bill of costs filed.

1937.

Jan. 7. Libellant's bill of costs taxed in sum of $157.36.
" " Clerk's memorandum sur taxation of costs filed.
" 12. Respondent's exception to Clerk's taxation of costs filed.
" 15. Final Decree in favor of Libellant in $7000 with costs filed.
" 29. Respondent's petition for appeal filed.
" " Assignments of error filed.
" " Order of Court allowing appeal filed.
" " Copy of notice of Appeal filed.
" 30. Bond sur appeal in $8,000 with U. S. Guarantee Co. surety and Decree approving bond filed.
" " Citation allowed and issued.
Feb. 11. Citation returned "service accepted" and filed.
Mar. 4. Præcipe for transcript of record sur appeal filed.
" 13. Libellant's petition for appeal filed.
" 13. Assignments of error filed.
" 15. Order of Court allowing appeal filed.
" 15. Citation allowed and issued.
" 15. Copy of notice of appeal filed.
" 18. Transcript of record sur respondent's appeal transmitted to U. S. Circuit Court of Appeals.
" 30. Citation returned "service accepted" and filed.

[fol. 3] IN UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

[Title omitted]

Action in Admiralty for Personal Injuries to Seamen Applying Provisions of Section 33 of the "Merchant Marine Act" of 1920, Without Prepayment of Costs Under Section 1 of the Act of 1918

LIBEL IN PERSONAM

To the Honorable the Judges of the said Court:

The libel and complaint of Charles W. Taylor of Philadelphia, Pennsylvania, formerly employed on the SS. "Losmar", against the Calmar Steamship Corporation, a body corporate of the State of Delaware, and against all persons lawfully intervening in its or their behalf in a cause of action for personal injuries, maintenance and cure, civil and maritime, to wit:

1. Libellant is a resident of the City of Philadelphia, State of Pennsylvania.

2. Respondent, Calmar Steamship Corporation was and still is a corporation duly organized and existing under and by virtue of the laws of the State of Delaware.

3. Upon the information and belief that at all the times hereinafter mentioned, respondent owned, operated and [fol. 4] controlled the SS. "Losmar", engaged in coastwise, intercoastal and foreign commerce.

4. On or about the 11th day of February, 1935, and at all the times mentioned herein, libellant was in the employ of respondent as a member of the crew of the SS. "Losmar" in the capacity of a fireman, at the rate of $57.50 per month and maintenance.

5. On or about the 11th day of February, 1935, at or about 4 P. M. o'clock, libellant, in the course of his duties, within the scope of his employment, pursuant to orders, and while the vessel was in navigable waters, was going on watch into the fireroom, when he struck his right foot and tripped over a retorter which was negligently placed on the fireroom floor, causing him to sustain the injuries which are more specifically hereinafter set forth.